

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States District Court
Albuquerque, New MexicoMitchell R. Elfers
Clerk of CourtUnited States of America
v.
Juan Eduardo ESPARZA ASTORGACase No. **24mj1844***Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 16, 2024 in the county of Bernalillo in the
 District of New Mexico, the defendant(s) violated:*Code Section*

21 U.S.C. § 846

*Offense Description*Attempted Possession with Intent to Distribute 100 Grams and More of
Heroin

This criminal complaint is based on these facts:

Please see the attached affidavit of HSI Special Agent Gavin Hayes, which is incorporated by reference and has been reviewed by AUSA Lou Mattei.

☒ Continued on the attached sheet.*Complainant's signature*

Gavin Hayes, HSI Special Agent

Printed name and title

Telephonically sworn and electronically signed.

Date: December 17, 2024*Judge's signature*City and state: Albuquerque, New Mexico

Honorable Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

Your affiant, Gavin Hayes, being duly sworn, hereby deposes and states the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am a law enforcement officer of the United States within the meaning of Title 18, United States Code (U.S.C.), Section 2510(7), that is, an officer of the United States who is empowered to conduct investigations of, and to make arrests for, the offenses enumerated in Titles 8, 18, 19, 21, and 31 of the United States Code and other related offenses.

2. I am a Special Agent (“SA”) with the Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (“HSI”), in Albuquerque, New Mexico, and have been employed as such since April of 2024. Prior to my employment with HSI, I was a Police Officer employed by the City of Greensboro in North Carolina for six years.

3. I successfully completed over 27 weeks of training at the Federal Law Enforcement Training Center in Brunswick, Georgia, to include the Criminal Investigator Training Program, and the Homeland Security Investigations Special Agent Training course.

4. I have received extensive training and practical experience pertaining to federal criminal procedures, federal criminal statutes, United States immigration and nationality law, United States customs laws and regulations, and other federal and state laws pertaining to, but not limited to alien smuggling/human trafficking, fraudulent document manufacture and sales, the importation and distribution of controlled substances, firearms; commercial fraud, and conspiracy.

5. I have also acquired knowledge and information about such offenses, and the various means and methods by which they are furthered from numerous sources, including formal

and informal training from other law enforcement officers, investigators, and SAs; interviews of informants and arrestees; and interviews of other knowledgeable individuals.

6. The information set forth in the affidavit had been derived from my own investigation or communicated to me by other sworn law enforcement officers or from other reliable sources. This affidavit does not set forth all of my knowledge related to this investigation. It is submitted for the limited purpose of establishing probable cause to support a criminal complaint charging Juan Eduardo ESPARZA ASTORGA (“ESPARZA”) with a violation of 21 U.S.C. § 846, that being Attempted Possession with Intent to Distribute 100 Grams and More of Heroin.

PROBABLE CAUSE

I. Package Received from Mexico

7. On November 21, 2024, I received an email notification from a U.S. Customs and Border Protection (“CBP”) officer at the Port of Cincinnati informing him that CBP inspectors had identified and seized an inbound parcel from the Republic of Mexico that contained approximately 324 grams of heroin.

8. The parcel in question (DHL Air Waybill (“AWB”) Number 3066370882) had been shipped by “CLAUDIA ANDREA SANCHEZ MARTINEZ” at address “81475, Marte, 123, Salvador Alvarado, Salvado Alvarado Lvd. Lola Beltran #2555 Pte, Fraccionamiento Culiacan, 80054, SI, Mexico” and was addressed to “FERNANDO GARCIA SANCHEZ” at the address “5025 Central Ave NE, Albuquerque, NM 87108.” The following was discovered after the documents associated with the seized parcel were examined:

- a. The parcel arrived at the DHL shipment facility in Cincinnati, Ohio, in November 2024. The package had been manifested as “UB LIGHT LAMP AND ACRYLIC NAIL CASE.”
- b. An X-ray of the parcel revealed anomalies, which prompted officers to deploy a drug-detecting canine on the parcel. The canine alerted to the odor of illegal drugs inside the parcel.

9. As a result of the canine alert, officers searched the parcel. Inside, they found a brown substance concealed inside the “UB Lamp.” The brown substance tested presumptively positive for the presence of heroin and weighed approximately 324 gross grams. Based on my training and experience, I know that 324 grams of heroin is consistent with distribution, not personal use.

10. On November 27, 2024, I received the parcel from CBP and secured it in the HSI Albuquerque evidence room. The parcel contained the “UB Light” and the heroin.

II. Controlled Delivery

11. On Wednesday, December 11, 2024, an Undercover Agent (UCA) with the United States Postal Investigative Service (USPIS) delivered a “Missed Delivery” notification to El Sinaloense, which is a business located at the address to which the parcel was addressed. The UCA spoke with an employee and instructed them to call the phone number on the notice for instructions on picking up the package.

12. On Friday, December 13, 2024, USPIS Inspector E. Byford was routed a phone call from (505) 544-0969, which she recognized as a number listed on the Bill of Lading for the parcel. Inspector Byford missed the first call, but soon received a second call from the number. Inspector

Byford answered this call, but the male-sounding caller hung up when they determined Inspector Byford did not speak Spanish.

13. On Friday, December 13, 2024, HSI Criminal Analyst (“CA”) A. Licerio and I called (505) 544-0969 and posed as USPS employees. CA Licerio acted as a translator for this call. The male-sounding call recipient stated they had been trying to call for information about a package. I asked for the tracking number on the package. The call recipient provided the correct tracking number for the parcel. I said the package was for “Fernando” and asked the call recipient if that sounded correct. The caller answered that it was for “Fernando Garcia Sanchez,” which matched the name to which the parcel was addressed. The call recipient agreed to meet at the Highland Post Office on Alvarado Drive in Albuquerque at 2 p.m. on Monday, December 16, 2024, to pick up the parcel.

14. On Monday, December 16, 2024, at around 3:30 p.m., Inspector Byford called (505) 544-0969 and explained to the male-sounding call recipient that they needed to pick up the package soon or it would be returned to the sender. The call recipient stated they were unable to personally pick up the package but would find someone to pick it up. Shortly thereafter, Inspector Byford received a call from (505) 544-0969, and the male-sounding caller stated they would personally pick up the package by 4:30 p.m. As this call was taking place, New Mexico State Police (“NMSP”) Agents observed a person later identified as Juan Eduardo ESPARZA ASTORGA (“ESPARZA”) exit the kitchen door of El Sinaloense while speaking on the phone.

15. NMSP Agents observed ESPARZA enter a brown 2014 Hyundai Elantra displaying New Mexico license plate BJRH92 and leave El Sinaloense.

16. Agents observed the same Hyundai enter the parking lot of the Highland Post Office located at 111 Alvarado Drive SE, Albuquerque, NM 87106. ESPARZA exited the Hyundai and looked underneath a black Nissan Titan before entering the post office.

17. Inspector Byford received a call from (505) 544-0969. The male-sounding caller stated they were at the post office, but the line was very long and they didn't want to miss their package. Inspector Byford directed the caller to a different window. Inspector Byford then met with ESPARZA, who appeared visibly fidgety. ESPARZA then utilized his cell phone to pull up a picture of the missed delivery notification. He stated he was the person who had been calling Inspector Byford, and that the package belonged to him. ESPARZA then took possession of the parcel. (By this time, the heroin had been replaced with an inert substance.) ESPARZA then exited the post office and reentered the driver's seat of the Hyundai with the parcel.

18. Agents attempted a vehicle stop on the Hyundai as it began to back out of its parking spot utilizing a "vehicle pin" maneuver, which involves making deliberate contact with the vehicle to surprise and disorient the driver. However, the Hyundai began moving before the pin could be completed. The Hyundai then backed into a stationary unmarked law enforcement vehicle which had activated its sirens. Other law enforcement vehicles, including two marked NMSP vehicles, began to surround the Hyundai with emergency lights activated. However, the Hyundai was able to escape containment by accelerating rapidly and turning. The Hyundai accelerated into the employee parking lot and began maneuvering recklessly by conducting abrupt braking maneuvers, a rapid U-turn, and accelerating rapidly enough that its tires squealed.

19. The Hyundai escaped the USPS parking lot and accelerated northbound on Alvarado Drive while continuing to drive recklessly. Specifically, the Hyundai failed to stop at the red light at the intersection of Alvarado Drive and Central Avenue, causing a collision with

another motor vehicle, which contained a family. There were no injuries as a result of this collision.

20. The Hyundai continued to accelerate rapidly as it traveled westbound on Central Avenue, causing law enforcement agents to briefly lose sight of the vehicle. Within less than five minutes, an unidentified bystander signaled to a marked NMSP unit that the suspect vehicle had turned northbound on Quincy Street NE, and the NMSP Agent located the Hyundai abandoned near the intersection of Quincy Street and Copper Avenue. Other NMSP Agents located ESPARZA running near the intersection of Copper Avenue and Manzano Street NE, about two blocks away from where the Hyundai was located. ESPARZA was detained without further incident.

III. Interview

21. ESPARZA agreed to speak with an NMSP Agent after being advised of his *Miranda* rights. ESPARZA stated that he had been calling the post office about the package. ESPARZA admitted that he knew law enforcement was present at the post office. He also admitted that he collided with another vehicle while attempting to flee law enforcement. ESPARZA claimed he had been paid \$200 by a coworker to pick up the package at the post office.

CONCLUSION

22. Based on the forgoing, there is probable cause to believe that Juan Eduardo ESPARZA ASTORGA has committed a violation of 21 U.S.C. § 846, that being Attempted Possession with Intent to Distribute 100 Grams and More of Heroin.

[Signature blocks on next page]



Gavin Hayes
Special Agent
Homeland Security Investigations

Telephonically sworn and electronically signed
This 16th day of December 2024.



Honorable Laura Fashing
United States Magistrate Judge